

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 21, 2011 at 11:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary: No Bills heard today

Executive Action: HB 271-Be Concurred In As Amended, HB 384-Tabled,
HB 174-Tabled

00:00:05 _____ Chairman Murphy
 00:04:33 _____ Sen. Jent
 00:05:31 _____ Chairman Murphy
 00:05:36 _____ Sen. Jent
 00:05:59 _____ Chairman Murphy

EXECUTIVE ACTION ON HB 271

00:06:57 **Motion:** Sen. Shockley moved that **HB 271 BE CONCURRED IN.**

00:08:35 Ms. Lane, Legislative Services Division (LSD)

00:09:29 **Motion:** Sen. Shockley moved that **HB 271 BE AMENDED.**
EXHIBIT(jus63a01)

Discussion:

00:09:48 Sen. Essmann
 00:10:49 Sen. Moss
 00:11:13 Sen. Shockley
 00:11:33 Sen. Murphy
 00:12:27 Sen. Shockley
 00:12:32 Sen. Jent
 00:14:26 Ms. Lane
 00:14:49 Sen. Jent
 00:15:27 Sen. Hinkle
 00:15:55 Sen. Shockley
 00:17:12 Ms. Lane
 00:17:19 Sen. Shockley
 00:17:55 Sen. Jent
 00:18:47 Sen. Shockley

00:19:50 **Substitute Motion:** Sen. Essmann made a substitute motion that **HB 271 BE AMENDED with a CONCEPTUAL AMENDMENT TO ADD "...WHO HAS COMPLETED A COURSE AS REQUIRED BY..."**.

Discussion;

00:20:47 Sen. Shockley
 00:21:43 Sen. Murphy
 00:22:17 Sen. Hinkle
 00:23:10 Sen. Larsen
 00:24:39 Sen. Murphy
 00:24:43 Ms. Lane

00:24:56 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no.

00:25:45 **Motion/Vote:** Sen. Shockley moved that **HB 271 BE CONCURRED IN AS AMENDED.** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Hinkle will carry the bill.

EXECUTIVE ACTION ON HB 384

(Sen. Larsen absent from the room)

00:27:36 **Motion:** Sen. Shockley moved that **HB 384 BE CONCURRED IN.**

00:28:00 **Motion:** Sen. Shockley moved that **HB 384 BE AMENDED.**

EXHIBIT(jus63a02)

Discussion:

00:28:34 Sen. Moss
 00:28:35 Sen. Shockley
 00:28:54 Sen. Jent
 00:29:01 Sen. Shockley
 00:30:01 Sen. Peterson
 00:30:19 Sen. Shockley
 00:30:26 Sen. Murphy
 00:30:50 Sen. Shockley
 00:31:32 Sen. Blewett
 00:31:48 Sen. Shockley
 00:32:12 Ms. Lane
 00:32:35 Sen. Shockley
 00:32:45 Sen. Hinkle
 00:33:45 Sen. Shockley
 00:33:54 Sen. Hinkle
 00:34:23 Ms. Lane
 00:35:04 Sen. Vincent
 00:35:28 Sen. Augare
 00:35:36 Sen. Essmann
 00:36:13 Ms. Lane
 00:36:57 Sen. Essmann
 00:37:22 Ms. Lane
 00:38:47 Sen. Shockley
 00:39:39 Sen. Essmann
 00:41:06 Sen. Shockley
 00:41:13 Sen. Essmann
 00:41:44 Sen Shockley
 00:42:03 Ms. Lane

00:42:23 **Vote:** Motion failed 6-6 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy, Sen. Peterson, Sen. Shockley and Sen. Vincent voting aye. Sen. Larsen voted by proxy.

00:42:56 **Vote:** Motion failed 4-8 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting aye. Sen. Larsen voted by proxy. Without objection motion to reverse the vote and table carried.

EXECUTIVE ACTION ON HB 174

00:46:54 **Motion:** Sen. Shockley moved that **HB 174 BE CONCURRED IN.**

Discussion:

00:47:11 Sen. Jent
00:50:20 Sen. Murphy
00:51:01 Sen. Shockley
00:51:25 Sen. Vincent
00:54:30 Sen. Hutton
00:55:36 Sen. Shockley

(Sen. Larsen returned to room)

00:56:06 Sen. Hinkle
01:00:57 Sen. Larsen

01:03:07 **Vote:** Motion failed 3-9 by roll call vote with Sen. Hinkle, Sen. Shockley and Sen. Vincent voting aye. Without objection motion to reverse the vote and table carried.

EXHIBIT(jus63a03)

Letter from Montana American Indian Caucus in support of HB 95, heard 3/14/11

EXHIBIT(jus63a04)

Letter from Pam Bunke, Department of Corrections (DOC), regarding the testimony of Steve Cape in reference to HB 446, heard 3/15/11.

ADJOURNMENT

Adjournment: 12:05 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus63aad.pdf](#))